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EXAMINER

TRINH, SONNY

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,051

Applicant(s)

IIMA ET AL.

Examiner

Sonny TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to **claims 1-5** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim ("Kim"; U.S. Patent Number 6,681,120) in view of Hsu et al. ("Hsu"; U.S. Patent Number 6,757,273).

Regarding **claim 1**, with reference to figures 1, 3 and descriptions, Kim discloses a portable communication apparatus (100), comprising:

a communication means for making calls (column 1 line 46 to column 2 line 9, abstract) and receiving an audio signal distributed from a server by a digital wireless system (column 1, specifically lines 8-29, claims 1,11, 18-20),

a reproduction means for reproducing the audio signal retrieved from the memory means, and an output means for output in accordance with the reproduced audio signal (column 1, specifically lines 8-29, claims 1,11, 18-20).

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However, Kim does not explicitly disclose the means for buffering and processing the audio signal when the audio signal is to be reproduced in real time.

In an analogous art, Hsu teaches an apparatus and associated method for communicating streaming video in a radio communication system. Hsu further teaches that the multimedia data is buffered when received at the mobile station (abstract, column 3).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the buffering of the streaming multimedia data, as taught by Hsu, to the mobile entertainment and communication device of Kim, by having a buffer, interruptions in playback as well as modem delays are avoided.

Regarding **claim 3**, Kim further teaches that the memory means is removably inserted in the portable communication apparatus (figures 1-2, see descriptions).

Claim 6 recites similar limitations to claim 1 and is rejected on the same grounds as claim 1.

3. **Claims 2, 4, 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim ("Kim"; U.S. Patent Number 6,681,120), in view of Hsu et al. ("Hsu"; U.S. Patent Number 6,757,273) and in further view of Adams ("Adams"; U.S. Patent Number 6,594,366).

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Regarding **claim 2**, the combination of Kim and Hsu discloses the invention but does not disclose that the reproduction means performs stereo reproduction of the audio signal retrieved from the memory means, and the output means performs stereo output in response to the reproduced audio signal.

In an analogous art, Adams teaches a headset/radio auto sensing jack for use with a mobile terminal (figure 1). Adams further teaches that the reproduction means is capable of performing stereo reproduction and the output means performs stereo output in response to the audio signal (figure 3, see description, see column 1 lines 43-67, column 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the stereo reproduction, as taught by Adams, to the mobile entertainment and communication device of Kim and Hsu, in order to provide stereophonic output for the enjoyment of the listener (attractive, easier to sell than a mono-aural output).

Regarding **claim 4**, Adams further teaches the output means outputs the stereo reproduced audio signal from a connection terminal to which a stereo headphone may be connected (figures 1, 3).

Claims 7-8 recite similar limitations to claims 2, 4 and are rejected on the same grounds as claims 2, and 4.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 703-305-1961. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

8/09/04